UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,611	01/24/2002	Paul Lawrence Mullen	15-SV-6119	9353

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EXAMINER
NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/683,611	MULLEN ET AL.
	Examiner	Art Unit	
	Quang N Nguyen	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 January 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

1.   This Office Action is in response to the Application SN 09/683,611 filed on 01/24/2002. Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3.   Claims 1-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Babula et al. (US 2002/0004798 A1), herein after referred as Babula.

4.   As to claim 1, Babula teaches a method of remotely servicing a scanner from a central service facility, comprising the steps of:

monitoring traffic on a local area network, said traffic comprising data that conforms to a communications protocol *(a uniform service platform 90 includes hardware, firmware, and software components adapted for composing service requests, transmitting and receiving service data that comforts to a communications protocol such as between the HTTP and DICOM)* (Babula, paragraphs [0039 and 0044]);

specifying a scanner connected to said local area network *(a series of identification areas 208 allow the user insert text to identify both the user and the user's location, wherein the server included in the uniform platform already includes unique system identification data supplementing the information input by the user)* (Babula, paragraph [0060]);

capturing from said local area network traffic data originated from said specified scanner, said captured data comprising at least one image frame;

sending said captured data to a central service facility *(the service request page, image data files, log files, error files, and so forth maybe identified, captured, stored and transmitted to the service facility for evaluation of potential problems in diagnostic system)* (Babula, paragraph [0059]); and

displaying said image frame at said central service facility *(within service facility 22, a bank of operator workstations 86 staffed by service engineers processing the service requests, i.e., inherently enabling to display said image)*, wherein said monitoring, capturing and sending steps are performed by a computerized device connected to said local area network (Babula, paragraphs [0038-0039] and [0059]).

5.   As to claim 2, Babula teaches the method of claim 1, further comprising the step of diagnosing an image quality problem of said specified scanner that is visible in said displayed image frame *(image data identified for evaluation including both processed, partially processed and raw data from which images are subsequently reconstructed)* (Babula, paragraph [0059]).

6.   As to claim 3, Babula teaches the method of claim 1, wherein said captured data is sent from said computerized device to said central service facility via a virtual private network (Babula, paragraph [0048]).

7.   As to claim 4, Babula teaches the method of claim 1, wherein said scanner is specified in a communication sent from said central service facility to said computerized device *(service requests and data transmitted between the diagnostic systems and the service facility including data identifying the type and modality of the serviced system, as well as data specifically adapted to the system modality and model, i.e., data identifying the specified scanner)* (Babula, paragraphs [0032] and [0074]).

8.   As to claim 5, Babula teaches the method of claim 1, further comprising the step of downloading programming to said computerized device via a wide area network *(software server 154 coupled to a storage device 156 for containing transmittable software packages which may be sent directly to the diagnostic systems via network 80 of Fig. 1, i.e., via the Internet)*, said programming enabling said computerized device to perform said monitoring, capturing and sending steps (Babula, paragraph [0050]).

9.   As to claim 6, Babula teaches the method of claim 5, further comprising the steps of sending an authorization code from said computerized device to a server via said wide area network, and downloading said programming from said server to said computerized device only if said authorization code is valid (Babula, paragraph [0049]).

10. As to claim 7, Babula teaches the method of claim 1, wherein said communications protocol is DICOM and said data comprises DICOM image files *(adapter 116 may convert the data to and from desired protocols such as between HTTP and DICOM)* (paragraphs [0044] and [0068]).

11. Claim 8 is a combination method claim of method claims 1 and 2; therefore, it is rejected under the same rationale.

12. Claims 9-14 are corresponding system claims of method claims 1, 3 and 5-7; therefore, they are rejected under the same rationale.

13. Claims 15-17 are corresponding method claims of method claims 1, 3, 5 and 7; therefore, they are rejected under the same rationale.

14. Claims 18-20 are corresponding system claims of method claims 1, 3-4 and 7; therefore, they are rejected under the same rationale.

15. Claims 21-23 are corresponding method claims of method claims 1-2, 4 and 7; therefore, they are rejected under the same rationale.

16.   Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

17.   A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER